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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,397	09/24/2004	Thierry Lucidarme	MTR.0054US	5825

21906 7590 10/26/2007
TROP PRUNER & HU, PC
1616 S. VOSS ROAD, SUITE 750
HOUSTON, TX 77057-2631

EXAMINER

MEHRPOUR, NAGHMEH

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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10/26/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/509,397	Applicant(s) LUCIDARME ET AL.	
	Examiner Naghmeh Mehrpour	Art Unit 2617	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 September 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). **ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION.** See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: 1-37.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see the attachment.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.


NAGHMEH MEHRPOUR
PRIMARY EXAMINER

Response to Arguments

1. Applicant's arguments filed 9/18/07 have been fully considered but they are not persuasive.

In response to the applications argument that Walsh fails to teach the claims feature and the office action continue to cite.....!!!

The Examiner asserts that "the references made herein are done so for the convenience of the applicant. They are in no way meant to limit the reference. The reference MUST be considered in its entirety."

In addition is not in the applicant's position to teach the Examiner how to the Rejection!

In response to the applicant's that "*Walsh fails to disclose a radio unit that has a module for identifying a subscription to the cellular network and means for transferring multiple user streams between the cellular network and the respective terminal equipments through the radio unit and within the framework of the subscription identified by the module*"

The Examiner asserts that Walsh teaches a wireless communication unit (209) sends the location information to a wireless communication device (104), such as a cellular telephone device, over a short-range wireless communication channel (124), such as a radio frequency communication channel. Preferably, the location information is used for E911 automatic location identification in the facility (110). The location

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information may be solicited or unsolicited from the location information system by the wireless communication device (104). When the location information is solicited, the location information is either pulled by the wireless communication device (104) or pushed by the location information system using a location information service. The communication channel 124 between the location information system 102 and the wireless communication device 104 is preferably a radio frequency communication channel operating at 2.4 GHz according to the Bluetooth technology standard. With the E911 service, the telephone company switch routes the 911 call to the PSAP that serves the address of the location of the caller making the call. **The telephone subscriber's name (personal or business)**, the location of the telephone used by a caller, the telephone number, and associated emergency response information is sent to a computer display at a call taker's answering position at the PSAP.

In response to applicant's argument that the hypothetical combination of Walsh and Greene would not teach *prima facie* case of obviousness, the test for obviousness is not whether the features of a secondary reference may be bodily incorporated into the structure of the primary reference; nor is it that the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the combined teachings of the references would have suggested to those of ordinary skill in the art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981).

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information may be solicited or unsolicited from the location information system by the wireless communication device (104). When the location information is solicited, the location information is either pulled by the wireless communication device (104) or pushed by the location information system using a location information service. The communication channel 124 between the location information system 102 and the wireless communication device 104 is preferably a radio frequency communication channel operating at 2.4 GHz according to the Bluetooth technology standard. With the E911 service, the telephone company switch routes the 911 call to the PSAP that serves the address of the location of the caller making the call. **The telephone subscriber's name (personal or business)**, the location of the telephone used by a caller, the telephone number, and associated emergency response information is sent to a computer display at a call taker's answering position at the PSAP.

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